

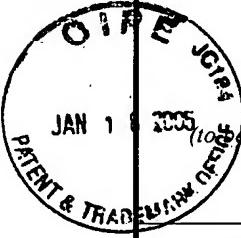
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17648Please type a plus sign (+) inside this box 

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/015,499

Filing Date

December 11, 2001

First Named Inventor

Kevin P. Baker et al.

Group/Art Unit

1647

Examiner Name

Robert Clinton Hayes

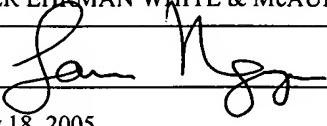
Attorney Docket Number

39780-2830 P1C42

## ENCLOSURES (check all that apply)

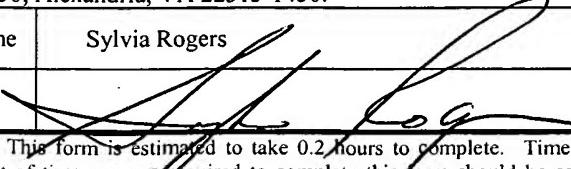
- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Assignment Papers<br><i>(for an Application)</i>               | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input checked="" type="checkbox"/> Amendment / Response                             | <input checked="" type="checkbox"/> Declarations by Drs. Polakis, Goddard and Ashkenazi | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Additional Enclosure(s)<br><i>(please identify below):</i>  |
| <input type="checkbox"/> Affidavits/declaration(s)                                   | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> stamped return postcard;<br>Articles by (i) Orntoft et al.,<br>(ii) Hyman et al., (iii) Pollack et al,<br>(iv) Hanna and Mornin. |
| <input checked="" type="checkbox"/> Extension of Time Request 1 month                | <input type="checkbox"/> Small Entity Statement   |   |
| <input checked="" type="checkbox"/> Information Disclosure Statement and References. | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                      |   |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application           |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53         |   |   |
- Remarks
- AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.**

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

|                         |   |                  |       |
|-------------------------|---|------------------|-------|
| Firm or Individual name | Sam L. Nguyen, Reg. No.: 52,496<br>HELLER EHRMAN WHITE & McAULIFFE LLP              |                  |       |
| Signature               |  |                  |       |
| Date                    | January 18, 2005  | Customer Number: | 35489 |

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|                       |   |      |                  |
|-----------------------|---|------|------------------|
| Typed or printed name | Sylvia Rogers   |      |                  |
| Signature             |  | Date | January 18, 2005 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



01-21-05

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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0657-0032.  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 300)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 10/015,499            |
| Filing Date          | December 11, 2001     |
| First Named Inventor | Kevin P. Baker et al. |
| Examiner Name        | Robert Clinton Hayes  |
| Art Unit             | 1647                  |
| Attorney Docket No.  | 39780-2830 P1C42      |

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

|                        |                                     |
|------------------------|-------------------------------------|
| Deposit Account Number | 08-1641                             |
| Deposit Account Name   | HELLER EHRMAN WHITE & McAULIFFE LLP |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 300                   | 2001 150                   | Utility filing fee     |          |
| 1002 200                   | 2002 100                   | Design filing fee      |          |
| 1003 200                   | 2003 100                   | Plant filing fee       |          |
| 1004 300                   | 2004 150                   | Reissue filing fee     |          |
| 1005 200                   | 2005 100                   | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b>        |                            | <b>(\$)</b>            | <b>0</b> |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid  |
|--------------------|--------------|----------------|-----------|
| 0                  | -20** = 0    | x 50           | = 0       |
| Independent Claims | 0            | - 3** = 0      | x 200 = 0 |
| Multiple Dependent |              | 360            | = 0       |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 50                    | 2202 25                    | Claims in excess of 20                                     |
| 1201 200                   | 2201 100                   | Independent claims in excess of 3                          |
| 1203 360                   | 2203 180                   | Multiple dependent claim, if not paid                      |
| 1204 200                   | 2204 100                   | ** Reissue independent claims over original patent         |
| 1205 50                    | 2205 25                    | ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b>        |                            | <b>(\$)</b>  |

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 120      | 2251 60       | Extension for reply within first month                                     | 120      |
| 1252 450      | 2252 225      | Extension for reply within second month                                    |          |
| 1253 1,020    | 2253 510      | Extension for reply within third month                                     |          |
| 1254 1,590    | 2254 795      | Extension for reply within fourth month                                    |          |
| 1255 2,160    | 2255 1,080    | Extension for reply within fifth month                                     |          |
| 1401 500      | 2401 250      | Notice of Appeal   |          |
| 1402 500      | 2402 250      | Filing a brief in support of an appeal                                     |          |
| 1403 1,000    | 2403 500      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 500      | 2452 250      | Petition to revive - unavoidable   |          |
| 1453 1,500    | 2453 750      | Petition to revive - unintentional   |          |
| 1501 1,400    | 2501 700      | Utility issue fee (or reissue)   |          |
| 1502 800      | 2502 400      | Design issue fee   |          |
| 1503 1,100    | 2503 550      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  | 180      |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 790      | 2809 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790      | 2810 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790      | 2801 395      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 300)

## SUBMITTED BY

(Complete if applicable)

|                   |               |                                   |        |                          |
|-------------------|---------------|-----------------------------------|--------|--------------------------|
| Name (Print/Type) | Sam L. Nguyen | Registration No. (Attorney/Agent) | 52,496 | Telephone (650) 324-7000 |
| Signature         |               |                                   |        | Date January 18, 2005    |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Hayes, Robert Clinton  
Kevin P. BAKER, et al. )  
Application Serial No. 10/015,499 ) Art Unit: 1647  
Filed: December 11, 2001 ) Confirmation No: 6886  
For: **SECRETED AND** ) Attorney's Docket No. 39780-2830 P1C42  
**TRANSMEMBRANE** )  
**POLYPEPTIDES AND NUCLEIC** )  
**ACIDS ENCODING THE SAME** ) Customer No. 35489

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EXPRESS MAIL LABEL NO. EL 993 686 795 US

DATE MAILED: January 18, 2005

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on September 16, 2004, in connection with the above-identified patent application (Paper No./Mail Date 20040913), please enter the following amendments, and consider the following arguments. This response is timely filed requesting a Petition for Extension of Time for one month with necessary fees.

Attached herewith are articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, (iv) Hanna and Mornin, (v) a Declaration by Paul Polakis, Ph.D., (vi) a Declaration by Audrey Goddard, Ph.D., and (vii) a Declaration by Avi Ashkenazi, Ph.D.

Also filed herewith is an Information Disclosure Statement. Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** begins on page 4 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.